

HOUSE BILL 3579

By Kernell

AN ACT relative to agency rules scheduled to expire pursuant to the provisions of the Uniform Administrative Procedures Act, contained within Tennessee Code Annotated, Title 4, Chapter 5.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Except as provided in subsection (c), all permanent rules duly filed in the office of secretary of state after January 1, 2007, which are in effect on the effective date of this act, and which are scheduled for expiration by the provisions of Tennessee Code Annotated, Section 4-5-226, on June 30, 2008, shall not expire on June 30, 2008, but shall remain in effect until repealed or amended by subsequent rule of the appropriate rulemaking agency or until otherwise superseded by force of law.

(b) The provisions of this section shall not be construed to justify the continued effectiveness of any rule included within the provisions of subsection (a) if such rule conflicts with the provisions of any enactment other than Tennessee Code Annotated, title 4, chapter 5.

(c) The provisions of subsection (a) shall not apply to the following permanent rules which were duly filed in the office of secretary of state between January 1, 2007, and December 31, 2007, and which are statutorily scheduled for expiration by the provisions of Tennessee Code Annotated, Section 4-5-226, on June 30, 2008:

(1) Tennessee Wildlife Resources Agency – Cherokee Wildlife Management Area Special Hunts – Rule 1660-1-8-.05(4);

(2) Department of Commerce and Insurance – Board for Licensing Contractors – Pre-Licensing General Contracting Educational Courses and Course Providers – Rule Chapter 0680-5; and

(3) Department of Human Services – Technical and Financial Eligibility

Requirements for Medicaid – Rule 1240-3-3-.03(3) and Rule 1240-3-3-.03(7)

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.